

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: Hector A Ramirez

Case No.:

17-26468

Judge:

Jerrold N. Poslusny, Jr.

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original☒ Modified/Notice Required

Date: _____

☒ Motions Included☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney SDHInitial Debtor: HAR

Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$560.00 Monthly for 3 months, then \$562.00 Monthly for 5 months, then \$287.00 Monthly for 52 months to the Chapter 13 Trustee, starting on September 1, 2017 for approximately 60 months.

- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
Description:
Proposed date for completion: _____
- ☐ Refinance of real property:
Description:
Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

- a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Isabel C. Balboa, Esq. Trustee	Administrative	1,941.40
S. Daniel Hutchison, Esq. SH-6931	Attorney Fees	2,500.00
Internal Revenue Service	Taxes and certain other debts	0.00
S. Daniel Hutchison, Esq.	Taxes and certain other debts	100.00
S. Daniel Hutchison, Esq.	Taxes and certain other debts	900.00
State of New Jersey	Taxes and certain other debts	0.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
- ☒ None
 - ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Shell Point Mortgage Services	749 Tacoma Boulevard Deptford, NJ 08093	981.76	0.00	981.76	955.19

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Deptford Township MUA	749 Tacoma Boulevard Deptford, NJ 08093	200.84	0.00	200.84	0.00

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
South Jersey Federal C. U.	Credit Card Purchases	4,871.97	0.00	None	735.66	0.00	735.60

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ■ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan □ NONE

The following secured claims are unaffected by the Plan:

Creditor
M&T Bank

g. Secured Claims to be Paid in Full Through the Plan ■ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☒ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$___ to be distributed *pro rata*

☐ Not less than ___ percent

☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Best Credit Repairman, Inc.	749 Tacoma Boulevard Deptford, NJ 08093	Judgment Lien	0.00	105,000.00	0.00	149,795.53	0.00
Steward Financial Services	749 Tacoma Boulevard Deptford, NJ 08093	Judgment Lien	2,992.41	105,000.00	0.00	146,803.12	2,992.41

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
South Jersey Federal C. U.	Credit Card Purchases	4,871.97	0.00	735.66	4,136.31

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions

- | | |
|----|-----------------------------|
| 2) | Other Administrative Claims |
| 3) | Secured Claims |
| 4) | Lease Arrearages |
| 5) | Priority Claims |
| 6) | General Unsecured Claims |

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: August 14, 2017.

Explain below **why** the plan is being modified:

The debtor is modifying his Chapter 13 Plan in accordance with the Order Approving Loan Modification.

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

■ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date May 18, 2018

/s/ S. Daniel Hutchison, Esq.

S. Daniel Hutchison, Esq. SH-6931

Date: May 18, 2018

Attorney for the Debtor

/s/ Hector A Ramirez

Hector A Ramirez

Debtor

Date:

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date May 18, 2018

/s/ S. Daniel Hutchison, Esq.

S. Daniel Hutchison, Esq. SH-6931

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: May 18, 2018

/s/ Hector A Ramirez

Hector A Ramirez

Date: _____

Debtor

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Hector A. Ramirez
 Debtor

Case No. 17-26468-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 51

Date Rcvd: May 21, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 23, 2018.

db +Hector A. Ramirez, 749 Tacoma Boulevard, Westville, NJ 08093-2233
 cr +SJFCU, 1615 Huffville Road, PO Box 5530, Deptford, NJ 08096-0530
 cr +Steward Financial Services, c/o Stark & Stark, 993 Lenox Drive,
 Lawrenceville, NJ 08648-2316
 517001644 +Account Resolution Services, 1643 Harrison Pkwy, Suite 100,
 Fort Lauderdale, FL 33323-2857
 517001645 +Advocate West Deptford Pediatrics, 646 Kings Highway, West Deptford, NJ 08096-3145
 517001646 +Apex Asset Management, 2501 Oregon Pike, Suite 120, Lancaster, PA 17601-4890
 517001647 Bancroft NeuroHealth, PO Box 95000-1466, Philadelphia, PA 19195-1466
 517001648 +Best Credit Repairman, Inc., c/o President, CEO, or Managing Partner, 187 Stevens Ave.,
 Cedar Grove, NJ 07009-1110
 517001649 +CENLAR FSB, Attn: Bankruptcy Department, PO Box 77404, Ewing, NJ 08628-6404
 517001650 +Cenlar FSB, 425 Phillips Blvd., Trenton, NJ 08618-1430
 517001651 +Chase/Bank One Card Svc-Bankruptcy Dept, PO Box 15298, Wilmington, DE 19850-5298
 517001652 Children's Hospital of Philadelphia, 34th St and Civic Center Blvd, Philadelphia, PA 19104
 517001653 +Convergent Outsourcing, Inc., 800 SW 39th Street, Renton, WA 98057-4975
 517315014 +Deptford Township MUA, P.O. Box 5428, Deptford, NJ 08096-0428
 517001656 Drive New Jersey Insurance Company, P.O. Box 89490, Cleveland, OH 44101-6490
 517001657 +Emergency Physicians Services of NJ, 175 MADISON AVE, Mount Holly, NJ 08060-2038
 517001658 Geico, One Geico Plaza, Bethesda, MD 20810-0001
 517001659 +Gloucester County Sheriff, Re: Sheriff # 17000379, PO Box 376, Woodbury, NJ 08096-7376
 517001661 IC Systems Inc, PO Box 64378, Saint Paul, MN 55164-0378
 517001663 +James A Mayer, Esq., 223 Old Hook Road, Westwood, NJ 07675-3132
 517001664 John D. Kernan, D.M.D., 658 West Cuthbert Boulevard, Westmont, NJ 08108-3642
 517001665 +KML Law Group, PC, 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812
 517193564 +M&T Bank, PO Box 1508, Buffalo, New York 14240-1508
 517228565 MTGLQ Investors, L.P., c/o Shellpoint Mortgage Servicing, PO Box 10826,
 Greenville, SC 29603-0826
 517023312 Police & Firemens Retirement System Board of Trust, KML Law Group PC, Sentry Office Plaza,
 216 Haddon Avenue, Suite 206, Westmont, NJ 08108
 517001667 +Progressive Corporation, 6300 Wilson Mills Rd., Mayfield Village, OH 44143-2182
 517001669 Rowan Medicine, Faculty Practice Plan, PO Box 635, Bellmawr, NJ 08099-0635
 517001670 Rowan-School of Osteopathic Medicine, University Doctors, POB 635,
 Bellmawr, NJ 08099-0635
 517001676 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Division of Taxation, PO Box 245,
 Trenton, NJ 08695)
 517001671 Seterus, PO Box 1077, Hartford, CT 06143-1077
 517001672 Shell Point Mortgage Services, PO Box 10826, Greenville, SC 29603-0826
 517001673 +Slate / Chase, POB 15298, Wilmington, DE 19850-5298
 517001675 +Stark and Stark, Re: Steward Financial Services, c/o John L Laskey, Esq., 993 Lenox Drive,
 Lawrenceville, NJ 08648-2316
 517001677 +Stern, Lavinthal & Frankenberg, LLC, 105 Eisenhower Parkway, Suite 302,
 Roseland, NJ 07068-1640
 517001678 +Steward Financial Services, c/o President, CEO, or Managing Partner,
 444 E Kings Highway, Suite 200, Maple Shade, NJ 08052-3427
 517144901 Steward Financial Services, c/o Stark & Stark, P.C., P.O. Box 5315,
 Princeton, NJ 08543-5315, Attn: Jennifer D. Gould, Esq.
 517153751 +Steward Financial Services, Stark & Stark, 993 Lenox Drive, Lawrenceville NJ 08648-2389
 517001681 +Viruta Health Voorhees, 2 Brighton Road, Clifton, NJ 07012-1663

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov May 21 2018 23:58:08 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov May 21 2018 23:58:04 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517001654 +E-mail/Text: bankruptcy_notifications@ccsusa.com May 21 2018 23:58:48
 Credit Collection Services, Two Wells Avenue, Newton Center, MA 02459-3246
 517001655 +E-mail/Text: dtmua-am@deptford-nj.org May 21 2018 23:58:25 Deptford Township MUA,
 898 Cattell Road, Wenonah, NJ 08090-1521
 517001660 +E-mail/Text: Harris@ebn.phinsolutions.com May 21 2018 23:58:57 Harris & Harris LTD,
 111 West Jackson Blvd, Suite 400, Chicago, IL 60604-4135
 517001662 E-mail/Text: cio.bncmail@irs.gov May 21 2018 23:57:46 Internal Revenue Service,
 Centralized Insolvency Service, PO Box 7346, Philadelphia, PA 19101-7346
 517001666 E-mail/Text: camanagement@mtb.com May 21 2018 23:57:56 M&T Bank, 1100 Wehrle Drive,
 Buffalo, NY 14221
 517181529 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 22 2018 00:03:39
 Portfolio Recovery Associates, LLC, c/o The Home Depot Consumer, POB 41067,
 Norfolk VA 23541
 517001668 +E-mail/Text: bankruptcy@pseg.com May 21 2018 23:57:26 PSE&G, Attn: Bankruptcy Department,
 PO Box 490, Cranford, NJ 07016-0490

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 51

Date Rcvd: May 21, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517001674 +E-mail/Text: rharris@southjerseyfcu.com May 21 2018 23:58:06 South Jersey Federal C. U.,
PO Box 5530, Deptford, NJ 08096-0530
517001679 E-mail/Text: jchrist@stewardfs.com May 21 2018 23:58:12 Steward Financial Services,
c/o President, CEO, or Managing Partner, 499 Old Kings Highway, Maple Shade, NJ 08052
517122114 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 22 2018 11:18:45 Verizon,
by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
517001680 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com May 21 2018 23:57:25
Verizon Wireless, PO Box 26055, Minneapolis, MN 55426-0055

TOTAL: 13

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 23, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 18, 2018 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Police & Firemens Retirement System Board of Trustees
by its Administrative Agent New Jersey Housing & Mortgage Finance Agency dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Jennifer D. Gould on behalf of Creditor Steward Financial Services jgould@stark-stark.com,
mdepietro@stark-stark.com
Melissa S DiCerro on behalf of Creditor MTGLQ Investors, L.P. nj-ecfmail@mwc-law.com
Robert J. Malloy on behalf of Creditor SJFCU ecf.rjmalloylaw@gmail.com
S. Daniel Hutchison on behalf of Debtor Hector A. Ramirez sdhteamlaw@outlook.com,
backupcourt@outlook.com/sdhlawecf@gmail.com/sdhlawparal@outlook.com/r39026@notify.bestcase.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8